

IN THE CLAIMS

Please amend the claims to read as follows.

Listing of Claims:

1. (Currently Amended) A base station apparatus comprising:
a transmit power determining section that, out of an initial transmission packet and a retransmission packet to be transmitted to a mobile station apparatus on a downlink, a sets transmit power of the retransmission packet to a transmit power value so that the a reception quality of the retransmission packet at the mobile station apparatus is lower than the reception quality of the initial transmission packet at the mobile station apparatus; and
a control section that controls the transmit power of the retransmission packet to the transmit power value determined set by said transmit power determining section; and
a distribution section that distributes extra transmit power found from the transmit power value set by said transmit power determining section and a total transmit power to a packet other than the retransmission packet.

2. (Original) The base station apparatus according to claim 1, wherein said transmit power determining section sets the transmit power value of the retransmission packet to a value lower than the transmit power value of the initial transmission packet.

3. (Original) The base station apparatus according to claim 2, wherein said transmit power determining section sets the transmit power value of the retransmission packet to a lower value as a retransmission count increases.

4. (Original) The base station apparatus according to claim 1, further comprising a calculation section that calculates a difference between downlink channel quality at the time of the initial transmission packet transmission and downlink channel quality at the time of the retransmission packet transmission,

wherein said transmit power determining section determines the transmit power value of the retransmission packet according to the difference calculated by said calculation section.

5. (Original) The base station apparatus according to claim 1, further comprising a gain determining section that determines a gain of an IR type hybrid ARQ over a CC type hybrid ARQ,

wherein said transmit power determining section determines the transmit power value of the retransmission packet according to the gain determined by said gain determining section.

6. (Canceled).

7. (Currently Amended) A method of controlling transmit power of a retransmission packet comprising:

a transmit power determining step of setting transmit power of a retransmission packet, out of an initial transmission packet and the retransmission packet to be transmitted to a mobile station apparatus on a downlink, to a transmit power value so that the reception quality of the retransmission packet at the mobile station apparatus is lower than the reception quality of the initial transmission packet at the mobile station apparatus; and

a control step of controlling the transmit power of the retransmission packet to the transmit power value determined set in said transmit power determining step.; and

a distribution step of distributing extra transmit power found from the transmit power value set in said transmit power determining step and a total transmit power to a packet other than the retransmission packet.